

### **REMARKS**

Claims 1, 3-5 are pending and under consideration in the above-identified application. Claims 15-46 were withdrawn in a previous amendment and remain withdrawn. Claims 2 and 6-14 were cancelled previously.

In the Office Action of August 18, 2008, claims 1, 3-5 were rejected.

With this Amendment, claims 1, 3-5 were amended.

### **35 U.S.C. § 102 Anticipation Rejection of Claims and 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3-5 were rejected under 35 U.S.C. § 102(b)/103(a) as being anticipated by, and alternatively unpatentable over *Hayashi et al.* (JP 10-334,915) ("*Hayashi*"). Applicant respectfully traverses this rejection.

In relevant part, each of the independent claims 1 and 3-5 now recite a band-shaped negative electrode pressed such that the specific surface area of the negative electrode is increased by at least 2.5 times that of the specific surface area before being pressed and the negative electrode is stacked in a battery in the following order: a band-shaped positive electrode, a separator, the band shaped negative electrode and a second separator.

This is clearly unlike *Hayashi*, which fails to disclose or even fairly suggest a band-shaped negative electrode pressed such that the specific surface area of the negative electrode is increased by at least 2.5 times that of the specific surface area before being pressed and the negative electrode is stacked in a battery in the following order: a band-shaped positive electrode, a separator, the band shaped negative electrode and a second separator. Instead *Hayashi* discloses an electrolyte which uses fine graphite particles. See, JP 10-334,915, Para. [0002]. Nowhere does *Hayashi* disclose or even suggest a band-shaped negative electrode pressed such that the specific surface area of the negative electrode is increased by at least 2.5

times that of the specific surface area before being pressed and the negative electrode is stacked in a battery in the following order: a band-shaped positive electrode, a separator, the band shaped negative electrode and a second separator.

As the Applicant's specification discloses, by providing a band-shaped negative electrode pressed such that the specific surface area of the negative electrode is increased by at least 2.5 times that of the specific surface area before being pressed and the negative electrode is stacked in a battery in the following order: a band-shaped positive electrode, a separator, the band shaped negative electrode and a second separator, a cylindrical non-aqueous electrolyte secondary battery is produced with a negative electrode surface area which decreases the irreversible capacity of the secondary battery while suppressing the charging/discharging deterioration of the battery. See, U.S. Pat. Pub. No. 2002/0015888, Para. [0102] & [0146].

Therefore, because *Hayashi* fails to disclose or even fairly suggest every feature of claims 1 and 3-5, the rejection of claims 1 and 3-5 cannot stand.

**Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: November 18, 2008

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